

TEXAS GOVERNMENT CODE CHAPTER 572

PERSONAL FINANCIAL DISCLOSURE, STANDARDS OF CONDUCT, AND CONFLICT OF INTEREST

SUBCHAPTER A. GENERAL PROVISIONS

<p>§ 572.001. POLICY; LEGISLATIVE INTENT. (a) It is the policy of this state that a state officer or state employee may not have a direct or indirect interest, including financial and other interests, or engage in a business transaction or professional activity, or incur any obligation of any nature that is in substantial conflict with the proper discharge of the officer's or employee's duties in the public interest. (b) To implement this policy and to strengthen the faith and confidence of the people of this state in state government, this chapter provides standards of conduct and disclosure requirements to be observed by persons owing a responsibility to the people and government of this state in the performance of their official duties. (c) It is the intent of the legislature that this chapter serve not only as a guide for official conduct of those persons but also as a basis for discipline of those who refuse to abide by its terms. Added by <i>Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.</i></p>	<p>Prohibits state officers and employees from engaging in business transactions or professional activities that substantially conflict with their official duties.</p> <p>This is a guide for official conduct <u>and</u> a basis for discipline.</p>
<p>§ 572.002. GENERAL DEFINITIONS. In this chapter: (1) "Appointed officer" means: (B) an individual appointed with the advice and consent of the senate to the governing board of a state-supported institution of higher education; (D) an individual who is a member of the governing board or commission of a state agency, who is not appointed, and who is not otherwise: (i) an elected officer; (ii) an officer described by Paragraphs (A) through (C); or (iii) an executive head of a state agency. (5) "Executive head of a state agency" means the director, executive director, commissioner, administrator, chief clerk, or other individual who is appointed by the governing body or highest officer of the state agency to act as the chief executive or administrative officer of the agency and who is not an appointed officer. The term includes the chancellor or highest executive officer of a university system and the president of a public senior college or university as defined by Section 61.003, Education Code.</p> <p>(10) "State agency" means: (A) a department, commission, board, office, or other agency that: (i) is in the executive branch of state government; (ii) has authority that is not limited to a geographical portion of the state; and (iii) was created by the Texas Constitution or a statute of this state; (B) a university system or an institution of higher education as defined by Section 61.003, Education Code, other than a public junior college; or (C) a river authority created under the Texas Constitution or a statute of this state.</p>	<p>Commissioners, chancellors, and presidents are covered.</p> <p>Defines state agency to include university systems and institutions of higher education.</p>
<p>§ 572.003. DEFINITION: APPOINTED OFFICER OF MAJOR STATE AGENCY. (a) In this chapter, "appointed officer of a major state agency" means an individual listed in Subsection (b) or (c). (c) The term means a member of: (17) governing board of a public senior college or university as defined by Section 61.003, Education Code, or of The University of Texas Southwestern Medical Center at Dallas, The University of Texas Medical Branch at Galveston, The University of Texas Health Science Center at Houston, The University of Texas Health Science Center at San Antonio, The University of Texas System Cancer Center, The University of Texas Health Science Center at Tyler, University of North Texas Health Science Center at Fort Worth, Texas Tech University Health Sciences Center, Texas State Technical College--Harlingen, Texas State Technical College--Marshall, Texas State Technical College--Sweetwater, or Texas State Technical College--Waco; (18) the Texas Higher Education Coordinating Board;</p>	<p>Governing board members are covered, specifically including members of the Texas Higher Education Coordinating Board.</p>

<p>§ 572.005. DETERMINATION OF SUBSTANTIAL INTEREST. An individual has a substantial interest in a business entity if the individual: (1) has a controlling interest in the business entity; (2) owns more than 10 percent of the voting interest in the business entity; (3) owns more than \$25,000 of the fair market value of the business entity; (4) has a direct or indirect participating interest by shares, stock, or otherwise, regardless of whether voting rights are included, in more than 10 percent of the profits, proceeds, or capital gains of the business entity; (5) is a member of the board of directors or other governing board of the business entity; (6) serves as an elected officer of the business entity; or (7) is an employee of the business entity. Added by <i>Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993</i>.</p>	<p>Substantial interest in a business entity (as would trigger the requirement to disclose the interest) includes:</p> <ol style="list-style-type: none"> 1) Controlling interest 2) Holding more than 10% of voting interest 3) Owning more than \$25K of fair market value 4) Having more than 10% interest in profits 5) Being on governing board 6) Serving as elected officer 7) Being an employee
<p>§ 572.008. VENUE. An offense under this chapter, including perjury, may be prosecuted in Travis County or in any other county in which it may be prosecuted under the Code of Criminal Procedure. Added by <i>Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993</i>.</p>	<p>Offenses will be prosecuted, principally in Travis County</p>

SUBCHAPTER B. PERSONAL FINANCIAL STATEMENT

<p>§ 572.021. FINANCIAL STATEMENT REQUIRED. Except as provided by Section 572.0211, a state officer, a partisan or independent candidate for an office as an elected officer, and a state party chair shall file with the commission a verified financial statement complying with Sections 572.022 through 572.0252. Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 249, Sec. 5.01, eff. Sept. 1, 2003; Acts 2005, 79th Leg., ch. 1253, Sec. 2, eff. June 18, 2005; Acts 2005, 79th Leg., ch. 630, Sec. 2, eff. June 17, 2005.</p>	<p>Requirement to provide verified financial statement.</p>
<p>§ 572.0211. FILING BY HOLDOVER OFFICER NOT REQUIRED. (a) An appointed officer who resigns from office and who ceases to participate in the state agency's functions is not required to file a financial statement that is due because of service in that office after the effective date of the resignation. (b) An appointed officer whose term of office expires and who ceases to participate in the functions of the state agency is not required to file a financial statement that is due because of service in that office after the date the term of office expires. (c) An appointed officer of a state agency that is abolished or whose functions are transferred to another state agency is not required to file a financial statement that is due because of service after the date that the agency is abolished or the functions of the agency are transferred. (d) An appointed officer who resigns or whose term of office expires who does not intend to participate in the functions of the state agency shall deliver written notice of the officer's intention to the governor and the commission. Added by Acts 2005, 79th Leg., ch. 630, Sec. 1, eff. June 17, 2005.</p>	<p>Obligation to provide financial statement ceases upon resignation, even if the statement is already due.</p>
<p>§ 572.022. REPORTING CATEGORIES. (a) If an amount in a financial statement is required to be reported by category, the individual filing the statement shall report whether the amount is: (1) less than \$5,000; (2) at least \$5,000 but less than \$10,000; (3) at least \$10,000 but less than \$25,000; or (4) \$25,000 or more. (b) The individual filing the statement shall report an amount of stock by category of number of shares instead of by category of dollar value and shall report whether the amount is: (1) less than 100 shares; (2) at least 100 but less than 500 shares; (3) at least 500 but less than 1,000 shares; (4) at least 1,000 but less than 5,000 shares; (5) at least 5,000 but less than 10,000 shares; or (6) 10,000 shares or more. (c) The individual filing the statement shall report a description of real property by reporting: (1) the street address, if available, or the number of lots or number of acres, as applicable, in each county, and the name of the county, if the street address is not available; and (2) the names of all persons retaining an interest in the property, excluding an interest that is a severed mineral interest. Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 249, Sec. 5.02, eff. Sept. 1, 2003.</p>	<p>Details what is to be reported and how.</p>

§ 572.023. CONTENTS OF FINANCIAL STATEMENT IN GENERAL. (a) A financial statement must include an account of the financial activity of the individual required by this subchapter to file a financial statement and an account of the financial activity of the individual's spouse and dependent children if the individual had actual control over that activity for the preceding calendar year. (b) The account of financial activity consists of: (1) a list of all sources of occupational income, identified by employer, or if self-employed, by the nature of the occupation, including identification of a person or other organization from which the individual or a business in which the individual has a substantial interest received a fee as a retainer for a claim on future services in case of need, as distinguished from a fee for services on a matter specified at the time of contracting for or receiving the fee, if professional or occupational services are not actually performed during the reporting period equal to or in excess of the amount of the retainer, and the category of the amount of the fee; (2) identification by name and the category of the number of shares of stock of any business entity held or acquired, and if sold, the category of the amount of net gain or loss realized from the sale; (3) a list of all bonds, notes, and other commercial paper held or acquired, and if sold, the category of the amount of net gain or loss realized from the sale; (4) identification of each source and the category of the amount of income in excess of \$500 derived from each source from interest, dividends, royalties, and rents; (5) identification of each guarantor of a loan and identification of each person or financial institution to whom a personal note or notes or lease agreement for a total financial liability in excess of \$1,000 existed at any time during the year and the category of the amount of the liability; (6) identification by description of all beneficial interests in real property and business entities held or acquired, and if sold, the category of the amount of the net gain or loss realized from the sale; (7) identification of a person or other organization from which the individual or the individual's spouse or dependent children received a gift of anything of value in excess of \$250 and a description of each gift, except: (A) a gift received from an individual related to the individual at any time within the second degree by consanguinity or affinity, as determined under Subchapter B, Chapter 573; (B) a political contribution that was reported as required by Chapter 254, Election Code; and (C) an expenditure required to be reported by a person required to be registered under Chapter 305; (8) identification of the source and the category of the amount of all income received as beneficiary of a trust, other than a blind trust that complies with Subsection (c), and identification of each trust asset, if known to the beneficiary, from which income was received by the beneficiary in excess of \$500; (9) identification by description and the category of the amount of all assets and liabilities of a corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association in which 50 percent or more of the outstanding ownership was held, acquired, or sold; (10) a list of all boards of directors of which the individual is a member and executive positions that the individual holds in corporations, firms, partnerships, limited partnerships, limited liability partnerships, professional corporations, professional associations, joint ventures, or other business associations or proprietorships, stating the name of each corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association or proprietorship and the position held; (11) identification of any person providing transportation, meals, or lodging expenses permitted under Section 36.07(b), Penal Code, and the amount of those expenses, other than expenditures required to be reported under Chapter 305; (12) any corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association, excluding a publicly held corporation, in which both the individual and a person registered under Chapter 305 have an interest; (13) identification by name and the category of the number of shares of any mutual fund held or acquired, and if sold, the category of the amount of net gain or loss realized from the sale; and (14) identification of each blind trust that complies with Subsection (c), including:

A state officer must report on:

(a) Individual and family finances;

(b) Financial activities, including:

- Occupational income
- Securities held, acquired, or sold (and net gain or loss if sold)
- Interest, dividend, royalty, trust, or rental income in excess of \$500
- Cosignatory obligations in excess of \$1,000
- Real property or business interests held, acquired or sold (and net gain or loss if sold)
- Personal or family member gifts in excess of \$250
- Assets and liabilities of any business entity in which 50 percent or more of the entity was held, acquired, or sold.
- Boards of directors of which the officer is a member
- Identification of persons providing transportation, meals and lodging
- Registration as a lobbyist
- Mutual funds held, acquired or sold (and net gain or loss if sold)

<p>§ 572.023. CONTENTS OF FINANCIAL STATEMENT IN GENERAL. CONT. (A) the category of the fair market value of the trust; (B) the date the trust was created; (C) the name and address of the trustee; and (D) a statement signed by the trustee, under penalty of perjury, stating that: (i) the trustee has not revealed any information to the individual, except information that may be disclosed under Subdivision (8); and (ii) to the best of the trustee's knowledge, the trust complies with this section. © For purposes of Subsections (b)(8) and (14), a blind trust is a trust as to which: (1) the trustee: (A) is a disinterested party; (B) is not the individual; © is not required to register as a lobbyist under Chapter 305; (D) is not a public officer or public employee; and (E) was not appointed to public office by the individual or by a public officer or public employee the individual supervises; and (2) the trustee has complete discretion to manage the trust, including the power to dispose of and acquire trust assets without consulting or notifying the individual. (d) If a blind trust under Subsection © is revoked while the individual is subject to this subchapter, the individual must file an amendment to the individual's most recent financial statement, disclosing the date of revocation and the previously unreported value by category of each asset and the income derived from each asset. Added by <i>Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 249, Sec. 5.03, eff. Sept. 1, 2003.</i></p>	<ul style="list-style-type: none"> • Identification of data to be reported from blind trusts.
<p>§ 572.024. INFORMATION ABOUT SERVICES FOR LOBBYISTS OR LOBBYIST EMPLOYERS. A state officer who receives a fee for services rendered by the officer to or on behalf of a person required to be registered under Chapter 305, or to or on behalf of a person or entity that the officer actually knows directly compensates or reimburses a person required to be registered under Chapter 305, shall report on the financial statement the name of each person or entity for which the services were rendered and the category of the amount of each fee. Added by <i>Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.</i></p>	<p>Must report fees earned from registered lobbyists.</p>
<p>§ 572.0252. INFORMATION ABOUT REFERRALS. A state officer who is an attorney shall report on the financial statement: (1) making or receiving any referral for compensation for legal services; and (2) the category of the amount of any fee accepted for making a referral for legal services. Added by <i>Acts 2003, 78th Leg., ch. 249, Sec. 5.04, eff. Sept. 1, 2003.</i></p>	<p>State officers who are lawyers must report referral fees.</p>
<p>§ 572.026. FILING DATES FOR STATE OFFICERS AND STATE PARTY CHAIRS. (a) Not later than April 30 each year, a state officer or a state party chair shall file the financial statement as required by this subchapter. (b) An individual who is appointed to serve as a salaried appointed officer or an appointed officer of a major state agency or who is appointed to fill a vacancy in an elective office shall file a financial statement not later than the 14th day after the date of appointment or the date of qualification for the office, or if confirmation by the senate is required, before the first committee hearing on the confirmation, whichever date is earlier. (c) An individual who is appointed or employed as the executive head of a state agency shall file a financial statement not later than the 45th day after the date on which the individual assumes the duties of the position. A state agency shall immediately notify the commission of the appointment or employment of an executive head of the agency. (d) An individual required to file a financial statement under Subsection (a) may request the commission to grant an extension of not more than 60 days for filing the statement. The commission shall grant the request if it is received before the filing deadline or if a timely filing or request for extension is prevented because of physical or mental incapacity. The commission may not grant more than one extension to an individual in one year except for good cause shown. Added by <i>Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 249, Sec. 5.05, eff. Sept. 1, 2003; Acts 2005, 79th Leg., ch. 1253, Sec. 3,4, eff. June 18, 2005.</i></p>	<ul style="list-style-type: none"> (a) April 30 filing date. (b) Employees must file before 24th day after appointment. (c) Agency heads must file before 45th day after assuming duties. (d) May request 60 day extension.

<p>§ 572.028. DUPLICATE STATEMENTS. If an individual has filed a financial statement under one provision of this subchapter covering the preceding calendar year, the individual is not required to file a financial statement required under another provision of this subchapter to cover that same year if, before the deadline for filing the statement under the other provision, the individual notifies the commission in writing that the individual has already filed a financial statement under the provision specified. Added by <i>Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.</i></p>	<p>Obligated to file only one financial statement yearly.</p>
<p>§ 572.029. TIMELINESS OF FILING. (a) The deadline for filing a financial statement required by this subchapter is 5 p.m. of the last day designated in the applicable provision for filing the statement. (b) If the last day for filing the financial statement is a Saturday, Sunday, or holiday included under Subchapter B, Chapter 662, the statement is timely if filed on the next day that is not a Saturday, Sunday, or listed holiday. (c) A financial statement is timely filed if it is properly addressed and placed in the United States Post Office or in the hands of a common or contract carrier not later than the last day for filing the financial statement. The post office cancellation mark or the receipt mark of a common or contract carrier is prima facie evidence of the date the statement was deposited with the post office or carrier. The individual filing the statement may show by competent evidence that the actual date of posting was different from that shown by the marks. Added by <i>Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.</i></p>	<p>(a) Time for filing is 5:00 p.m. on day designated.</p> <p>(b) Statement is filed timely if properly addressed and mailed.</p>
<p>§ 572.032. PUBLIC ACCESS TO STATEMENTS. (a) Financial statements filed under this subchapter are public records. The commission shall maintain the statements in separate alphabetical files and in a manner that is accessible to the public during regular office hours. (b) During the one-year period following the filing of a financial statement, each time a person requests to see the financial statement, excluding the commission or a commission employee acting on official business, the commission shall place in the file a statement of the person's name and address, whom the person represents, and the date of the request. The commission shall retain that statement in the file for one year after the date the requested financial statement is filed. (c) After the second anniversary of the date the individual ceases to be a state officer, the commission may and on notification from the former state officer shall destroy each financial statement filed by the state officer. Added by <i>Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.</i></p>	<p>(a) Statements are public records.</p> <p>(b) People asking to see statements must identify selves (identities purged after a year).</p> <p>(c) Two years after leaving service, a former state officer may request destruction of statements.</p>
<p>§ 572.033. CIVIL PENALTY. (a) The commission shall determine from any available evidence whether a statement required to be filed under this subchapter is late. On making a determination that the statement is late, the commission shall immediately mail a notice of the determination to the individual responsible for filing the statement and to the appropriate attorney for the state. (b) If a statement is determined to be late, the individual responsible for filing the statement is liable to the state for a civil penalty of \$500. If a statement is more than 30 days late, the commission shall issue a warning of liability by registered mail to the individual responsible for the filing. If the penalty is not paid before the 10th day after the date on which the warning is received, the individual is liable for a civil penalty in an amount determined by commission rule, but not to exceed \$10,000. (c) This section is cumulative of any other available sanction for a late filing of a sworn statement. Added by <i>Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 249, Sec. 5.06, eff. Sept. 1, 2003.</i></p>	<p>There are civil penalties, ranging from \$500 to \$10,000 for filing statements late.</p>
<p>§ 572.034. CRIMINAL PENALTY. (a) An individual commits an offense if the individual is a state officer or candidate or state party chair and knowingly and willfully fails to file a financial statement as required by this subchapter. (b) An offense under this section is a Class B misdemeanor. (c) In a prosecution for failure to file a financial statement under this section, it is a defense that the individual did not receive copies of the financial statement form required by this subchapter to be mailed to the individual. Added by <i>Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 2005, 79th Leg., ch. 1253, Sec. 5, eff. June 18, 2005.</i></p>	<p>Knowing and willful failure to file is a <i>Class B Misdemeanor</i> (fine up to \$2,000; jail up to 180 days; or both).</p>

SUBCHAPTER C. STANDARDS OF CONDUCT AND CONFLICT OF INTEREST PROVISIONS

<p>§ 572.051. STANDARDS OF CONDUCT. A state officer or employee should not: (1) accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct; (2) accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position; (3) accept other employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties; (4) make personal investments that could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest; or (5) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer's or employee's official powers or performed the officer's or employee's official duties in favor of another. Added by <i>Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.</i></p>	<p>A state officer or employee must:</p> <ol style="list-style-type: none"> (1) Not accept gift that could influence him/her; (2) Not disclose confidential information; (3) Maintain independence of judgment; (4) Avoid conflicts of interest; (5) Not solicit or accept benefit for exercising one's duty.
<p>§ 572.052. REPRESENTATION BY LEGISLATORS BEFORE STATE AGENCIES; CRIMINAL OFFENSE. (a) A member of the legislature may not, for compensation, represent another person before a state agency in the executive branch of state government unless the representation: (1) is pursuant to an attorney-client relationship in a criminal law matter; or (2) involves the filing of documents that involve only ministerial acts on the part of the commission, agency, board, department, or officer. (b) A member of the legislature commits an offense if the member violates this section. An offense under this subsection is a Class A misdemeanor. Added by <i>Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 1134, Sec. 15, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 249, Sec. 5.07, eff. Sept. 1, 2003.</i></p>	<p>Legislators who are lawyers are limited in their advocacy before executive branch agencies.</p>
<p>§ 572.054. REPRESENTATION BY FORMER OFFICER OR EMPLOYEE OF REGULATORY AGENCY RESTRICTED; CRIMINAL OFFENSE. (a) A former member of the governing body or a former executive head of a regulatory agency may not make any communication to or appearance before an officer or employee of the agency in which the member or executive head served before the second anniversary of the date the member or executive head ceased to be a member of the governing body or the executive head of the agency if the communication or appearance is made: (1) with the intent to influence; and (2) on behalf of any person in connection with any matter on which the person seeks official action. (b) A former state officer or employee of a regulatory agency who ceases service or employment with that agency on or after January 1, 1992, may not represent any person or receive compensation for services rendered on behalf of any person regarding a particular matter in which the former officer or employee participated during the period of state service or employment, either through personal involvement or because the case or proceeding was a matter within the officer's or employee's official responsibility. (c) Subsection (b) applies only to: (1) a state officer of a regulatory agency; or (2) a state employee of a regulatory agency who is compensated, as of the last date of state employment, at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule, including an employee who is exempt from the state's position classification plan</p>	<p>Former governing member or agency head is barred for two years (after leaving service) from advocating before the agency.</p>

<p>§ 572.054. REPRESENTATION BY FORMER OFFICER OR EMPLOYEE OF REGULATORY AGENCY RESTRICTED; CRIMINAL OFFENSE. CONT. (d) Subsection (b) does not apply to a rulemaking proceeding that was concluded before the officer's or employee's service or employment ceased. (e) Other law that restricts the representation of a person before a particular state agency by a former state officer or employee of that agency prevails over this section. (f) An individual commits an offense if the individual violates this section. An offense under this subsection is a Class A misdemeanor. (g) In this section, the comptroller and the secretary of state are not excluded from the definition of "regulatory agency." (h) In this section: (1) "Participated" means to have taken action as an officer or employee through decision, approval, disapproval, recommendation, giving advice, investigation, or similar action. (2) "Particular matter" means a specific investigation, application, request for a ruling or determination, rulemaking proceeding, contract, claim, charge, accusation, arrest, or judicial or other proceeding. Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.</p>	<p>Violation of this section is a <i>Class A Misdemeanor</i> (fine of up to \$4,000; jail up to one year; or both).</p>
<p>§ 572.056. CONTRACTS BY STATE OFFICERS WITH GOVERNMENTAL ENTITIES; CRIMINAL OFFENSE. (a) A state officer may not solicit or accept from a governmental entity a commission, fee, bonus, retainer, or rebate that is compensation for the officer's personal solicitation for the award of a contract for services or sale of goods to a governmental entity. (b) This section does not apply to: (1) a contract that is awarded by competitive bid as provided by law and that is not otherwise prohibited by law; or (2) a court appointment. (c) In this section, "governmental entity" means the state, a political subdivision of the state, or a governmental entity created under the Texas Constitution or a statute of this state. (d) A state officer who violates this section commits an offense. An offense under this subsection is a Class A misdemeanor. Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.</p>	<p>(a) Can't accept payment for awarding a state contract.</p> <p>(b) Exceptions include a contract awarded by competitive bid or a court appointment.</p>
<p>§ 572.058. PRIVATE INTEREST IN MEASURE OR DECISION; DISCLOSURE; REMOVAL FROM OFFICE FOR VIOLATION. (a) An elected or appointed officer, other than an officer subject to impeachment under Article XV, Section 2, of the Texas Constitution, who is a member of a board or commission having policy direction over a state agency and who has a personal or private interest in a measure, proposal, or decision pending before the board or commission shall publicly disclose the fact to the board or commission in a meeting called and held in compliance with Chapter 551. The officer may not vote or otherwise participate in the decision. The disclosure shall be entered in the minutes of the meeting. (b) An individual who violates this section is subject to removal from office on the petition of the attorney general on the attorney general's own initiative or on the relation of a resident or of any other member of the board or commission. The suit must be brought in a district court of Travis County or of the county where the violation is alleged to have been committed. (c) If the court or jury finds from a preponderance of the evidence that the defendant violated this section and that an ordinary prudent person would have known the individual's conduct to be a violation of this section, the court shall enter judgment removing the defendant from office. (d) A suit under this section must be brought before the second anniversary of the date the violation is alleged to have been committed, or the suit is barred. (e) The remedy provided by this section is cumulative of other methods of removal from office provided by the Texas Constitution or a statute of this state. (f) In this section, "personal or private interest" has the same meaning as is given to it under Article III, Section 22, of the Texas Constitution, governing the conduct of members of the legislature. For purposes of this section, an individual does not have a "personal or private interest" in a measure, proposal, or decision if the individual is engaged in a profession, trade, or occupation and the individual's interest is the same as all others similarly engaged in the profession, trade, or occupation. Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.</p>	<ul style="list-style-type: none"> • Must disclose any personal or private interest in matters pending before a state board or commission. • Disclosure shall be entered in the minutes. • May not vote or participate in the decision. • Violation is grounds for removal from office. • At trial standard of proof required for removal is preponderance of the evidence. • Actions seeking removal must be brought within two years of the alleged infraction.

<p>§ 572.059. INDEPENDENCE OF STATE AND LOCAL OFFICERS ACTING IN LEGISLATIVE CAPACITY. (a) In this section, "legislative measure" includes: (1) a bill, resolution, order, or other proposal to adopt, enact, amend, or repeal a statute, ordinance, rule, or policy of general application; (2) a proposal to adopt, enact, amend, or repeal, or to grant a variance or other exception to, a zoning ordinance; or (3) a proposed constitutional amendment or charter amendment subject to a vote of the electorate. (b) For purposes of Subsection (a), a measure that is applicable to a class or subset of persons or matters that is defined in general terms without naming the particular persons or matters is a measure of general application. (c) To protect the independence of state and local officers acting in a legislative capacity, a state or local officer, whether elected or appointed, including a member of the governing body of a school district or other political subdivision of this state, may not be subject to disciplinary action or a sanction, penalty, disability, or liability for: (1) an action permitted by law that the officer takes in the officer's official capacity regarding a legislative measure; (2) proposing, endorsing, or expressing support for or opposition to a legislative measure or taking any action permitted by law to support or oppose a legislative measure; (3) the effect of a legislative measure or of a change in law proposed by a legislative measure on any person; or (4) a breach of duty, in connection with the member's practice of or employment in a licensed or regulated profession or occupation, to disclose to any person information, or to obtain a waiver or consent from any person, regarding: (A) the officer's actions relating to a legislative measure; or (B) the substance, effects, or potential effects of a legislative measure. Added by <i>Acts 2003, 78th Leg., ch. 1206, Sec. 1, eff. June 20, 2003.</i></p>	<p>A state officer is not legally liable for:</p> <ul style="list-style-type: none"> (1) Official actions taken that are permitted by law; (2) Proposing, endorsing or opposing legislation if doing so is otherwise permitted by law; (3) The effect of legislation on any person; (4) Failure to disclose information that the officer's licensed profession requires to be confidential.
<p>§ 572.060. SOLICITATION OF OR RECOMMENDATIONS REGARDING CONTRIBUTIONS TO CHARITABLE ORGANIZATIONS AND GOVERNMENTAL ENTITIES. (a) Unless otherwise prohibited by the Code of Judicial Conduct, a state officer or state employee may: (1) solicit from any person a contribution to: (A) an organization that: (i) is exempt from income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed under Section 501(c)(3) of that code; (ii) does not attempt to influence legislation as a substantial part of the organization's activities; and (iii) has not elected under Section 501(h), Internal Revenue Code of 1986, to have that subsection apply to the organization; or (B) a governmental entity; or (2) recommend to any person that the person make a contribution to an organization or entity described by Subdivision (1). (b) A monetary contribution solicited or recommended as provided by Subsection (a) must: (1) be paid or made directly to the charitable organization or governmental entity by the person making the contribution; (2) be in the form of a check, money order, or similar instrument payable to the charitable organization or governmental entity; or (3) be in the form of a deduction from a state employee's salary or wage payment under the state employee charitable campaign under Subchapter I, Chapter 659. (c) A contribution solicited or recommended as provided by Subsection (a) that is not a monetary contribution must be delivered directly to the charitable organization or governmental entity by the person making the contribution. (d) A contribution paid as provided by Subsection (b) or delivered as provided by Subsection (c) is not: (1) a political contribution to, or political expenditure on behalf of, the state officer or state employee for purposes of Title 15, Election Code; (2) an expenditure for purposes of Chapter 305; or (3) a benefit to the state officer or state employee for purposes of Sections 36.08 and 36.09, Penal Code. Added by <i>Acts 2005, 79th Leg., ch. 53, Sec. 1, eff. Sept. 1, 2005.</i></p>	<p>As to charitable solicitations, a state officer or employee may:</p> <ul style="list-style-type: none"> (1) Solicit contributions to 501(c)(3) organizations; (2) Recommend to others that they contribute to such organizations.